

GENERAL ORDINANCE NO. G-31-91

AN ORDINANCE amending Chapter 6  
of the Fort Wayne Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Chapter 6 of the City of Fort Wayne  
Code of Laws be amended as follows:

SEC. 6-1. Terms Defined.

CARRIAGE HORSE - means any horse or pony which is used by it's  
owner or any other person to pull any vehicle, carriage, sled,  
sleigh or other device in exchange for a fee. A horse rented or  
leased by it's owner to another for any of the foregoing  
purposes shall be deemed to be a carriage horse for the purposes  
of this title.

RENTAL HORSE BUSINESS - means a business enterprise which  
operates a horse drawn vehicle for hire such as a horse drawn  
cab, or offers the use of a horse to the public for a fee for  
the purpose of riding or pulling a horse drawn vehicle.

STABLE - means any place, establishment or facility where one or  
more rental horses are housed or maintained.

WORK - a horse is considered to be at work when it is out of its  
stable and presented to the public as being available for  
riding, pulling carriages, vehicles or other device, or when it  
is saddled or in harness.

ARTICLE XII. RENTAL HORSES

SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person  
or corporation to use or offer for use a horse in a Rental Horse  
Business without a license issued pursuant to the regulations  
and conditions set out hereinafter. No owner or operator of a  
rental horse business shall permit a carriage driver to operate  
without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be  
renewed annually.

An application for a license or renewal of a license shall be  
made to the Department of Animal Control. Applications for  
renewal must be submitted no later than ten (10) working days  
prior to expiration of the current license. All such  
applications shall contain the name and address of the owner of  
the horse and the rental horse business in which such horse is  
to be used. The horse shall be identified by breed, age, sex,  
color, markings, and the location of the stables where the horse  
is to be kept, recorded on a veterinary certificate provided by  
Fort Wayne Department of Animal Control. No license shall be  
transferable. Upon the transfer of ownership or use of any  
horse to a new owner or operator of a rental horse business, the  
new owner or operator shall obtain a new license for such horse  
within 30 days of the transfer date.

The annual fee for a license or renewal shall be twenty-five  
dollars (\$25.00) for carriage horses and ten dollars (\$10.00)  
for riding horses, and shall be paid upon submission of an  
application to the Department of Animal Control.



Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license place number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all reasonable times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

**SEC. 6-52. Housing/Stable Premises**

- a) **Walls and ceilings:** Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse.
- b) **Floors:** Floors shall be level and free of holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without adequate cushioning.
- c) **Storage Areas:** Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessible to the horses.
- d) **Ventilation:** Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) **General Sanitation:** All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) **Stalls:** Each stall shall house only one horse or pony. Stalls shall be attended to daily ensuring clean and dry sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

**SEC. 6-53. Regulations.**

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all



times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

- c) Certified weights of all horses and horse drawn vehicles shall be registered with the Department of Animal Control annually. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.
- d) No rental horse shall be at work for more than eight hours a day. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse.
- e) Rental horses shall not be worked in temperatures below negative ten (-10°) degrees fahrenheit, with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the local radio stations. An operator of a rental horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.
- f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions.
- g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.
- h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM - 9:30 AM and 3:30 PM - 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.
- i) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding



humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.

k. A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.

l. Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.

m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

#### SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. Rental Horse Business as defined herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed solely by the licensing provisions of this article.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

\_\_\_\_\_  
J. Timothy McCaulay, City Attorney



Read the first time in full and on motion by Henry, seconded by Redd, and duly adopted, read the second time title and referred to the Committee on Resolution (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, da of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.

DATED: 11-26-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. PASSED 1031 by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>	<u>3</u>		
BRADBURY	<u>✓</u>			
BURNS		<u>✓</u>		
EDMONDS	<u>✓</u>			
GIAQUINTA		<u>✓</u>		
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD	<u>✓</u>			
SCHMIDT		<u>✓</u>		
TALARICO	<u>✓</u>			

DATED: 12-26-91

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL) \_\_\_\_\_ (SPECIAL) \_\_\_\_\_ (ZONING MAP) \_\_\_\_\_ ORDINANCE RESOLUTION NO. 2-31-91 on the 26th day of December, 1991.

Sandra E. Kennedy ATTEST  
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico SEAL  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of December, 1991, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 6th day of January, 1992, at the hour of 9:45 o'clock A. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR



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purposes shall be deemed to be a carriage horse for the purposes  
of this title.

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operates a horse drawn vehicle for hire such as a horse drawn  
cab, or offers the use of a horse to the public for a fee for  
the purpose of riding or pulling a horse drawn vehicle.

STABLE - means any place, establishment or facility where one or  
more rental horses are housed or maintained.

WORK - a horse is considered to be at work when it is out of its  
stable and presented to the public as being available for  
riding, pulling carriages, vehicles or other device, or when it  
is saddled or in harness.

ARTICLE XII. RENTAL HORSES

SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person  
or corporation to use or offer for use a horse in a Rental Horse  
Business without a license issued pursuant to the regulations  
and conditions set out hereinafter. No owner or operator of a  
rental horse business shall permit a carriage driver to operate  
without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be  
renewed annually.

An application for a license or renewal of a license shall be  
made to the Department of Animal Control. Applications for  
renewal must be submitted no later than ten (10) working days  
prior to expiration of the current license. All such  
applications shall contain the name and address of the owner of  
the horse and the rental horse business in which such horse is  
to be used. The horse shall be identified by breed, age, sex,  
color, markings, and the location of the stables where the horse  
is to be kept, recorded on a veterinary certificate provided by  
Fort Wayne Department of Animal Control. No license shall be  
transferable. Upon the transfer of ownership or use of any  
horse to a new owner or operator of a rental horse business, the  
new owner or operator shall obtain a new license for such horse  
within 30 days of the transfer date.

The annual fee for a license or renewal shall be twenty-five  
dollars (\$25.00) for carriage horses and ten dollars (\$10.00)  
for riding horses, and shall be paid upon submission of an  
application to the Department of Animal Control.



Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license plate number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all reasonable times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

**SEC. 6-52. Housing/Stable Premises**

- a) **Walls and ceilings:** Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse.
- b) **Floors:** Floors shall be level and free of holes or openings, and shall provide proper drainage.
- c) **Storage Areas:** Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessible to the horses.
- d) **Ventilation:** Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) **General Sanitation:** All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) **Stalls:** Each stall shall house only one horse or pony. Stalls shall be attended to daily ensuring clean and dry sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

**SEC. 6-53. Regulations.**

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust,



mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

c) At no time may the combined weight of a horse drawn vehicle and its passengers, including the driver, exceed the weight of the horse. Certified weights of all horses and horse drawn vehicles shall be registered with the Department of Animal Control annually. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be further restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.

d) No rental horse shall be at work for more than eight hours in any continuous twenty-four hour period. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse.

e) Rental horses shall not be worked in temperatures below negative ten (-10°) degrees fahrenheit, with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the Fort Wayne Communications Department for the National Weather Service. An operator of a rental horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.

f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions.

g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.

h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM - 9:30 AM and 3:30 PM - 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.

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humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.

k. A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.

l. Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.

m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

#### SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

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SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



PAGE 5

1           The invalidity of any section, clause, sentence, or  
2 provision of this ordinance shall not affect the validity of any  
3 other part of this ordinance.

4           SECTION 4. That this Ordinance be in full force and  
5 effect from and after its passage and any and all necessary  
6 approval by the Mayor and all necessary publication.

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8 \_\_\_\_\_  
9 Council Member

8 APPROVED AS TO FORM  
9 AND LEGALITY

10 J. Timothy McCaulay  
11 J. Timothy McCaulay, City Attorney  
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11 leased by it's owner to another for any of the foregoing  
12 purposes shall be deemed to be a carriage horse for the purposes  
13 of this title.

14 RENTAL HORSE BUSINESS - means a business enterprise which  
15 operates a horse drawn vehicle for hire such as a horse drawn  
16 cab, or offers the use of a horse to the public for a fee for  
17 the purpose of riding or pulling a horse drawn vehicle.

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27 or corporation to use or offer for use a horse in a Rental Horse  
28 Business without a license issued pursuant to the regulations  
29 and conditions set out hereinafter. No owner or operator of a  
30 rental horse business shall permit a carriage driver to operate  
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renewed annually.

An application for a license or renewal of a license shall be  
made to the Department of Animal Control . Applications for  
renewal must be submitted no later than ten (10) working days  
prior to expiration of the current license. All such  
applications shall contain the name and address of the owner of  
the horse and the rental horse business in which such horse is  
to be used. The horse shall be identified by breed, age, sex,  
color, marks and tatoo number which shall be applied to the  
horse's inside upper lip, and the location of the stables where  
the horse is to be kept. No license shall be transferable.  
Upon the transfer of ownership or use of any horse to a new  
owner or operator of a rental horse business, the new owner or  
operator shall obtain a new license for such horse within 30  
days of the transfer date.

The annual fee for a license or renewal shall be twenty-five  
dollars (\$25.00), and shall be paid upon submission of an  
application to the Department of Animal Control. *A riding*  
*horse would be licensed @ \$10.00*  
Each horse licensed for use pursuant to these regulations shall



be assigned an official identification number unique to that horse during the duration of its use by the rental horse business. The official identification number shall be identical to the tattoo number set out above. Such identification number shall also be inscribed on a metal tag which shall be securely attached to the right cheek strap of each rental horse at all times when the horse is at work.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license plate number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

#### SEC. 6-52. Housing/Stable Premises

- a) **Walls and ceilings:** Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of an approved material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse in the owners absence.
- b) **Floors:** Floors shall be level and free of holes or openings, and shall provide proper drainage.
- c) **Storage Areas:** Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free.
- d) **Ventilation:** Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) **General Sanitation:** All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) **Stalls:** Minimum stall size shall measure 10 ft. by 12 ft. with a 9 ft. ceiling. Each stall shall house only one horse or pony. Stalls shall be "picked" daily. Stalls shall be kept clean and dry with sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them in a clean, dry condition.

#### SEC. 6-53. Regulations.

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all



times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

c) No horse drawn carriage pulled by a single horse shall carry greater than seven (8) passengers, including driver. A maximum of fourteen (14) passengers, with driver, may ride in a carriage pulled by two (2) horses. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be further restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.

d) No rental horse shall be at work for more than eight hours in any continuous twenty-four hour period. There shall be a rest period of fifteen (15) consecutive minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse. Rental horses may work six (6) consecutive days. No work shall be performed on the seventh (7th) day.

e) Rental horses shall not be worked in temperatures below negative ten (-10°) degrees fahrenheit, with wind chill factor applied, or above 95 degrees fahrenheit, with heat index factor applied. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the Fort Wayne Communications Department for the National Weather Service. An operator of a rental horse already at work at the time the temperature goes below -10 degrees or above 95 degrees fahrenheit shall immediately cease working, then walk the horse directly to its stable. All horses so returned to stables must be unbridled and remain at the stable for at least one (1) hour. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.

f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions. A horse being worked when such conditions develop shall be returned to the stable by the most direct route as soon as practicable.

g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.

h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM - 9:30 AM and 3:30 PM - 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.

i) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hoofs, and shoes, and

*will work on*



for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding humane correction or disposition of the same. A health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention, and inform the Department of Animal Control when any horse is or becomes sick, diseased, lame or injured, or is involved in an accident while at work or in the stable area. If a horse dies while at work or in the stable area the Department of Animal Control shall be notified immediately. If an accident occurs resulting in injury to a horse while at work or in the stable area, the Department of Animal Control shall be notified immediately.

k. A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.

l. Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.

m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

#### SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.



SECTION 2. All ordinances or parts of ordinances  
in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or  
provision of this ordinance shall not affect the validity of any  
other part of this ordinance.

SECTION 3. That this Ordinance be in full force and  
effect from and after its passage and any and all necessary  
approval by the Mayor and all necessary publication.

\_\_\_\_\_  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

\_\_\_\_\_  
J. Timothy McCaulay, City Attorney



AN ORDINANCE amending Chapter 6  
of the Fort Wayne Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Chapter 6 of the City of Fort Wayne  
Code of Laws be amended as follows:

SEC. 6-1. Terms Defined.

**CARRIAGE HORSE** - means any horse or pony which is used by it's owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by it's owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this title.

**RENTAL HORSE BUSINESS** - means a business enterprise which operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for the purpose of riding or pulling a horse drawn vehicle.

**STABLE** - means any place, establishment or facility where one or more rental horses are housed or maintained.

**WORK** - a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it is saddled or in harness.

ARTICLE XII. RENTAL HORSES

SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations and conditions set out hereinafter.

Licenses shall be issued for a term of one (1) year and shall be renewed annually.

An application for a license or renewal of a license shall be made to the Department of Animal Control . Applications for renewal must be submitted no later than ten (10) working days prior to expiration of the current license. All such applications shall contain the name and address of the owner of the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, color, marks and tatoo number which shall be applied to the horse's inside upper lip, and the location of the stables where the horse is to be kept. No license shall be transferable. Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30 days of the transfer date.

The annual fee for a license or renewal shall be twenty-five dollars (\$25.00), and shall be paid upon submission of an application to the Department of Animal Control.

Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse



business. The official identification number shall be identical to the tattoo number set out above. Such identification number shall also be inscribed on a metal tag which shall be securely attached to the right cheek strap of each rental horse at all times when the horse is at work.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license plate number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

#### SEC. 6-52. Housing/Stable Premises

- a) **Walls and ceilings:** Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of an approved material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse in the owners absence.
- b) **Floors:** Floors shall be level and free of holes or openings, and shall provide proper drainage.
- c) **Storage Areas:** Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free.
- d) **Ventilation:** Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) **General Sanitation:** All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) **Stalls:** Minimum stall size shall measure 10 ft. by 12 ft. with a 9 ft. ceiling. Each stall shall house only one horse or pony. Stalls shall be "picked" daily. Stalls shall be kept clean and dry with sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them in a clean, dry condition.

#### SEC. 6-53. Regulations.

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust,



mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

- c) No horse drawn carriage pulled by a single horse shall carry greater than seven (7) passengers, including driver. A maximum of fourteen (14) passengers, with driver, may ride in a carriage pulled by two (2) horses. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be further restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.
- d) No rental horse shall be at work for more than eight hours in any continuous twenty-four hour period. There shall be a rest period of fifteen (15) consecutive minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse. Rental horses may work six (6) consecutive days. No work shall be performed on the seventh (7th) day.
- e) Rental horses shall not be worked in temperatures below 18 degrees fahrenheit or above 90 degrees fahrenheit. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the Fort Wayne Communications Department for the National Weather Service. An operator of a rental horse already at work at the time the temperature goes below 18 degrees or above 90 degrees fahrenheit shall immediately cease working, then walk the horse directly to its stable. All horses so returned to stables must be unbridled and remain at the stable for at least one (1) hour. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.
- f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions. A horse being worked when such conditions develop shall be returned to the stable by the most direct route as soon as practicable.
- g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.
- h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM - 9:30 AM and 3:30 PM - 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.
- i) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hoofs, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by



the veterinarian at the time, together with any prescription or professional recommendation regarding humane correction or disposition of the same. A health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention, and inform the Department of Animal Control when any horse is or becomes sick, diseased, lame or injured, or is involved in an accident while at work or in the stable area. If a horse dies while at work or in the stable area the Department of Animal Control shall be notified immediately. If an accident occurs resulting in injury to a horse while at work or in the stable area, the Department of Animal Control shall be notified immediately.

k. A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.

l. Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.

m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

#### SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or



PAGE 5

provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 3. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

  
J. Timothy McCaulay, City Attorney



DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE ANIMAL CONTROL

SYNOPSIS OF ORDINANCE ESTABLISHES SET OF RULES AND PERMITTING  
GUIDELINES COVERING CARRIAGE COMPANIES AND RIDING STABLES.

*\$ 9-91-11-55*  
*(as amended) (as amended)*  
*(as amended).*

EFFECT OF PASSAGE ABILITY TO MONITOR RENTAL HORSE BUSINESSES UNDER  
CITY CODE WITH ENFORCEMENT POWERS.

EFFECT OF NON-PASSAGE NO CITY REGULATION AVAILABLE TO ADEQUATELY  
MONITOR RENTAL HORSE BUSINESS.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \_\_\_\_\_

ASSIGNED TO COMMITTEE (PRESIDENT) \_\_\_\_\_



BILL NO. G-91-11-55

(as AMENDED)

*Had bill  
end of January  
14*

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN  
DAVID C. LONG, VICE CHAIRMAN  
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending Chapter 6 of  
-the Fort Wayne Code of Laws

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Thomas C. Henry*

*Mark E. Schmidt*

*Janet L. Bradbury*

*David Long*

*Edmonds*

*Samuel J. Talarico*

*OS Schmidt*

*Mark E. Schmidt*

DATED: *12-26-91*

Sandra E. Kennedy  
City Clerk





## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1208

SANDRA E. KENNEDY, CITY CLERK

January 7, 1992

Ms. Connie Lambert  
Fort Wayne Newspapers, Inc.  
600 West Main Street  
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of  
January 10 and January 17, 1992, in both the News  
Sentinel and Journal Gazette.

RE: Legal Notice for Common Council  
of Fort Wayne, IN

Bill No. G-91-11-55  
(as amended) (as amended) (as amended)  
General Ordinance No. G-31-91

Rental Horse Business - Carriage Horse

Please send 4 copies of the Publisher's Affidavit from  
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy  
City Clerk

SEK/ne  
ENCL: 1



LEGAL NOTICE

Notice is hereby given that on the 26th day of  
December, 19 91, the Common Council of the City  
of Fort Wayne, Indiana, in a Special Session did pass  
the following Bill No. G-91-11-55 (as amended) (as amended) (as amended)  
General Ordinance No. G-31-91 to-wit:

BILL NO. G-91-11-55 (AS AMENDED) (AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-31-91

AN ORDINANCE amending Chapter 6  
of the Fort Wayne Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Chapter 6 of the City of Fort Wayne  
Code of Laws be amended as follows:

SEC. 6-1. Terms Defined.

CARRIAGE HORSE - means any horse or pony which is used by it's  
owner or any other person to pull any vehicle, carriage, sled,  
sleigh or other device in exchange for a fee. A horse rented or  
leased by it's owner to another for any of the foregoing  
purposes shall be deemed to be a carriage horse for the purposes  
of this title.

RENTAL HORSE BUSINESS - means a business enterprise which  
operates a horse drawn vehicle for hire such as a horse drawn  
cab, or offers the use of a horse to the public for a fee for  
the purpose of riding or pulling a horse drawn vehicle.

STABLE - means any place, establishment or facility where one or  
more rental horses are housed or maintained.

WORK - a horse is considered to be at work when it is out of its  
stable and presented to the public as being available for  
riding, pulling carriages, vehicles or other device, or when it  
is saddled or in harness.

ARTICLE XII. RENTAL HORSES

SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person  
or corporation to use or offer for use a horse in a Rental Horse  
Business without a license issued pursuant to the regulations  
and conditions set out hereinafter. No owner or operator of a  
rental horse business shall permit a carriage driver to operate  
without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be  
renewed annually.

An application for a license or renewal of a license shall be  
made to the Department of Animal Control. Applications for  
renewal must be submitted no later than ten (10) working days  
prior to expiration of the current license. All such  
applications shall contain the name and address of the owner of  
the horse and the rental horse business in which such horse is  
to be used. The horse shall be identified by breed, age, sex,  
color, markings, and the location of the stables where the horse  
is to be kept, recorded on a veterinary certificate provided by  
Fort Wayne Department of Animal Control. No license shall be  
transferable. Upon the transfer of ownership or use of any  
horse to a new owner or operator of a rental horse business, the  
new owner or operator shall obtain a new license for such horse  
within 30 days of the transfer date.







*Amendments  
enclosed*

BILL NO. G-91-11-55 (AS AMENDED) (AS AMENDED) (*as amended*)

GENERAL ORDINANCE NO. G-21-91

AN ORDINANCE amending Chapter 6  
of the Fort Wayne Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Chapter 6 of the City of Fort Wayne  
Code of Laws be amended as follows:

SEC. 6-1. Terms Defined.

CARRIAGE HORSE - means any horse or pony which is used by it's  
owner or any other person to pull any vehicle, carriage, sled,  
sleigh or other device in exchange for a fee. A horse rented or  
leased by it's owner to another for any of the foregoing  
purposes shall be deemed to be a carriage horse for the purposes  
of this title.

RENTAL HORSE BUSINESS - means a business enterprise which  
operates a horse drawn vehicle for hire such as a horse drawn  
cab, or offers the use of a horse to the public for a fee for  
the purpose of riding or pulling a horse drawn vehicle.

STABLE - means any place, establishment or facility where one or  
more rental horses are housed or maintained.

WORK - a horse is considered to be at work when it is out of its  
stable and presented to the public as being available for  
riding, pulling carriages, vehicles or other device, or when it  
is saddled or in harness.

ARTICLE XII. RENTAL HORSES

SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person  
or corporation to use or offer for use a horse in a Rental Horse  
Business without a license issued pursuant to the regulations  
and conditions set out hereinafter. No owner or operator of a  
rental horse business shall permit a carriage driver to operate  
without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be  
renewed annually.

An application for a license or renewal of a license shall be  
made to the Department of Animal Control. Applications for  
renewal must be submitted no later than ten (10) working days  
prior to expiration of the current license. All such  
applications shall contain the name and address of the owner of  
the horse and the rental horse business in which such horse is  
to be used. The horse shall be identified by breed, age, sex,  
color, markings, and the location of the stables where the horse  
is to be kept, recorded on a veterinary certificate provided by  
Fort Wayne Department of Animal Control. No license shall be  
transferable. Upon the transfer of ownership or use of any  
horse to a new owner or operator of a rental horse business, the  
new owner or operator shall obtain a new license for such horse  
within 30 days of the transfer date.

The annual fee for a license or renewal shall be twenty-five  
dollars (\$25.00) for carriage horses and ten dollars (\$10.00)  
for riding horses, and shall be paid upon submission of an  
application to the Department of Animal Control.



Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license place number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all reasonable times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

**SEC. 6-52. Housing/Stable Premises**

- a) **Walls and ceilings:** Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse.
- b) **Floors:** Floors shall be level and free of holes or openings, and shall provide proper drainage.
- c) **Storage Areas:** Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessible to the horses.
- d) **Ventilation:** Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- e) **General Sanitation:** All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- f) **Stalls:** Each stall shall house only one horse or pony. Stalls shall be attended to daily ensuring clean and dry sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

**SEC. 6-53. Regulations.**

- a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust,

*1 - Amendment*

*No horse shall be stalled*

*on concrete floor without absorbent cushioning*



mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

c) ~~At no time may the combined weight of a horse drawn vehicle and its passengers, including the driver, exceed the weight of the horse.~~ Certified weights of all horses and horse drawn vehicles shall be registered with the Department of Animal Control annually. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be ~~further~~ restricted in regard to pulling/riding capacity, based on individual characteristics and abilities. *Amendment #2 Tom David*

d) No rental horse shall be at work for more than eight hours ~~in any continuous twenty-four hour period.~~ There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse. *Mark - No David*

e) Rental horses shall not be worked in temperatures below negative ten (-10°) degrees fahrenheit, ~~with wind chill factor applied.~~ At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this subdivision, temperatures shall be ~~those measured "downtown" and broadcast by the Fort Wayne Communications Department for the National Weather Service.~~ An operator of a rental horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits. *Amendment #3 Tom David*

f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions. *Amendment #4 Tom David*

g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.

h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM - 9:30 AM and 3:30 PM - 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.

i) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding



humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

j. The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.

k. A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal control upon request.

l. Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.

m. Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

#### SEC. 6-54. Penalties

Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. Rental Horse Business as defined herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed solely by the licensing provisions of this article.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



PAGE 5

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

---

Council Member

APPROVED AS TO FORM  
AND LEGALITY

---

J. Timothy McCaulay, City Attorney



December, 1991, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-91-11-55 (as amended) (as amended) (as amended) General Ordinance No. G-31-91 to-wit:

BILL NO. G-91-11-55 (AS AMENDED)  
(AS AMENDED) (AS AMENDED)  
GENERAL ORDINANCE NO. G-31-91  
AN ORDINANCE amending Chapter 6 of the Fort Wayne Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 6 of the City of Fort Wayne Code of Laws be amended as follows:

SEC. 6-1. Terms Defined.  
CARRIAGE HOUSE - means any horse or pony which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this title.

RENTAL HORSE BUSINESS - means a business enterprise which operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for the purpose of riding or pulling a horse drawn vehicle.

STABLE - means any place, establishment or facility where one or more rental horses are housed or maintained.

WORK - a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it is saddled or in harness.

ARTICLE XII. RENTAL HORSES  
SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations and conditions set out hereinafter. No owner or operator of a rental horse business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be renewed annually.

An application for a license or renewal of a license shall be made to the Department of Animal Control. Applications for renewal must be submitted no later than ten (10) working days prior to expiration of the current license. All such applications shall contain the name and address of the owner of the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, color, markings, and the location of the stables where the horse is to be kept, recorded on a veterinary certificate provided by Fort Wayne Department of Animal Control. No license shall be transferable. Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30 days of the transfer date.

The annual fee for a license or renewal shall be twenty-five dollars (\$25.00) for carriage horses and ten dollars (\$10.00) for riding horses, and shall be paid upon submission of an application to the Department of Animal Control.

Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license plate number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all reasonable times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

SEC. 6-52. Housing/Stable Premises

a) Walls and ceilings: Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "caging" of a horse.

b) Floors: Floors shall be level and free of holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without adequate cushioning.

c) Storage Areas: Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessible to the horses.

d) Ventilation: Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.

e) General Sanitation: All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.

f) Stalls: Each stall shall house only one horse or pony. Stalls shall be attended to daily ensuring clean and dry sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

SEC. 6-53. Regulations.

a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.

b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

c) Certified weights of all horses and horse drawn vehicles shall be registered with the Department of Animal Control annually. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.

d) No rental horse shall be at work for more than eight hours a day. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse.

e) Rental horses shall not be worked in temperatures below negative ten (-10) degrees Fahrenheit, with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the local radio stations. An operator of a rental horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.

horse drawn carriage shall be operated between the hours of 7:00 AM - 9:30 AM and 3:30 PM - 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.

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j) The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.

k) A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal Control upon request.

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SEC. 6-54. Penalties  
Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. Rental Horse Business as defined herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed solely by the licensing provisions of this article.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

Thomas C. Henry  
Council Member

Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six  
Bradbury, Edmonds, Henry, Long, Redd, Schmidt, Talarico  
NAYS: Three  
Burns, GiaQuinta, Schmidt  
ABSTAINED: None  
ABSENT: None  
DATED: 12-26-91

Sandra E. Kennedy  
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-31-91, on the 26th day of December, 1991.

ATTEST:  
Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 27th day of December, 1991, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk

Approved and signed by me this 6th day of January, 1992, at the hour of 9:45 o'clock A.M., E.S.T.

Paul Helmke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-31-91, passed by the Common Council on the 26th day of December, 1991, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of January, 1992, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 6th day of January, 1992.

Sandra E. Kennedy  
City Clerk

1-10-17

General Form No. 99P (Revised 1987)

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

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Cindy Gillespie

Clerk

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nwater who, being duly sworn, says that he/

she is Clerk of the newspaper of general  
circulation printed and published in the English language in the (city) (town) of  
Fort Wayne, IN in state and county aforesaid, and that the printed matter  
attached hereto is a true copy, which was duly published in said paper for  
two time, the dates of publication being as follows:

1/10/92 1/17/92

Cindy Gillespie

Subscribed and sworn to before me this 17th day of Jan, 1992



The Journal-Gazette

To:

Dr.

(Governmental Unit)

P.O. Box 100

ALLEN

County, Indiana

Fort Wayne, IN

## PUBLISHER'S CLAIM

## LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

### COMPUTATION OF CHARGES

315 lines, 1 columns wide equals 315 equivalent lines  
at .495 cents per line

\$ 155.93

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 157.93

### DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 2

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Jan 17, 19 92

Title: 1911-1929 Clerk

### PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the \_\_\_\_\_ newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time \_\_\_\_\_, the dates of publication being as follows:

1/10/92      1/17/92

Subscribed and sworn to before me this 17th day of Jan, 1992.

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994

But it is a role she has thrown herself into wholeheartedly — at times in a way that has infuriated and outraged those she has encountered along the way. One of Dan Quayle's closest associates calls her the "hard half" of the Quayle partnership. Political colleagues of her husband's described their surprise,

sped faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 A.M. and 9:30 P.M. - 8:00 P.M. Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal P.T.C. operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne, except to cross those streets at intersections controlled by an automatic signal.

(f) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals not less than once a year. The horse shall be physically and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical condition. The owner or operator shall be able to perform the work of the horse, and shall be able to determine any disease or efficiency observed by the veterinarian at the time, or together with any prescription or professional recommendation regarding humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

(g) The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse dies or becomes sick, diseased, or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.

(h) A horse covered by this subchapter which is or becomes lame or suffering from any lameness shall be removed from service immediately.



## FW COMMON COUNCIL

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

al Unit)

County, Indiana

## PUBLISHER'S CLAIM

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COST

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Title:

Clerk

## PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

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My commission expires: March 3, 1994Notary Public Whitley County, IN  
SHELLEY R. LARUE

## LEGAL NOTICE

Notice is hereby given that on the 26th day of December, 1991, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-91-11-55 (as amended) (as amended) (as amended) General Ordinance No. 31-91 to-wit:

BILL NO. G-91-11-55 (AS AMENDED)

(AS AMENDED) (AS AMENDED)

GENERAL ORDINANCE NO. G-31-91

ORDINANCE amending Chapter 6 of the Fort Wayne Code of Laws.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Chapter 6 of the City of Fort Wayne Code of Laws be amended as follows:

SEC. 6-1. Terms Defined.

CARRIAGE HOUSE - means any horse or pony which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for a fee. A horse rented or leased by its owner to another for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this title.

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WORK - a horse is considered to be at work when it is out of its stable and presented to the public as being available for riding, pulling carriages, vehicles or other device, or when it is saddled or in harness.

## ARTICLE XII. RENTAL HORSES

SEC. 6-51. Permits and Administration.

It shall constitute a violation of this Article for any person or corporation to use or offer for use a horse in a Rental Horse Business without a license issued pursuant to the regulations and conditions set out hereinafter. No owner or operator of a rental horse business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.

Licenses shall be issued for a term of one (1) year and shall be renewed annually.

An application for a license or renewal of a license shall be made to the Department of Animal Control. Applications for renewal must be submitted no later than ten (10) working days prior to expiration of the current license. All such applications shall contain the name and address of the owner of the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, color, markings, and the location of the stables where the horse is to be kept, recorded on a veterinary certificate provided by Fort Wayne Department of Animal Control. No license shall be transferable. Upon the transfer of ownership or use of any horse to a new owner or operator of a rental horse business, the new owner or operator shall obtain a new license for such horse within 30 days of the transfer date.

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Each horse licensed for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.

An owner or operator of a Rental Horse Business shall keep an accurate daily record of the movement of each licensed horse including driver's name, horse's identification number, vehicle license plate number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the Department of Animal Control upon request.

An owner or operator of a rental horse business shall make the stable in which horses used in the rental horse business are kept open for inspection at all reasonable times by authorized personnel of the Department of Animal Control to enforce the provisions of this ordinance.

## SEC. 6-52. Housing/Stable Premises

a) Walls and ceilings: Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "casing" of a horse.

b) Floors: Floors shall be level and free of holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without adequate cushioning.

c) Storage Areas: Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessible to the horses.

d) Ventilation: Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.

e) General Sanitation: All interior areas of a stable, and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.

f) Stalls: Each stall shall house only one horse or pony. Stalls shall be attended to daily ensuring clean and dry sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

## SEC. 6-53. Regulations.

a) Horses shall not be left untethered or unattended except when confined in a stable or other enclosure.

b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

c) Certified weights of all horses and horse drawn vehicles shall be registered with the Department of Animal Control annually. At the discretion of the Department of Animal Control, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.

d) No rental horse shall be at work for more than eight hours a day. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse.

e) Rental horses shall not be worked in temperatures below negative ten (-10) degrees



LEGAL NOTICE  
Notice is hereby given that on the 26th day of December, 1991, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. G-31-11-55 (as amended) (as amended) General Ordinance No. 2-31-91 (as amended) with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the local radio stations. An operator of a rental horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.  
f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions.  
g) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.  
h) No horse drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to State law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 AM - 9:30 AM and 3:30 PM - 6:00 PM, Monday through Friday. No horse drawn carriage shall be allowed on the downtown bus mall during normal PTC operating hours, or at any time on Jefferson, Washington, Clinton or Lafayette streets in Fort Wayne except to cross those streets at intersections controlled by an automatic signal.

its use in a rental horse business, and thereafter at intervals of not less than once a year. The horses shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse.

j) The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, the Department of Animal Control shall be notified immediately.

k) A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Department of Animal Control. In the event of a dispute regarding such physical condition or illness, the Department may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this paragraph shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior to the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to the Department of Animal Control upon request.

l) Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.

m) Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

SEC. 6-54. Penalties  
Any person or corporation which violates the provisions of this Article, upon conviction thereof, shall be punished by a fine not to exceed \$2,500.00.

SECTION 2. Rental Horse Business as defined herein are excepted from coverage under Sec. 6-14 of this Chapter and are governed solely by the licensing provisions of this article.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance.

SECTION 4. That this Ordinance be in full force and effect from and after its passage and any and all necessary approval by the Mayor and all necessary publication.

Thomas C. Henry  
Council Member  
Read the third time in full and on motion by Henry, seconded by Edmonds, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Six  
Bradbury, Edmonds, Henry, Long, Redd, Schmidt, Talarico  
NAYS: Three  
Burns, GiaQuinta, Schmidt  
ABSTAINED: None  
ABSENT: None  
DATED: 12-26-91

Sandra E. Kennedy  
City Clerk  
Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-31-91, on the 26th day of December, 1991.

ATTEST:  
Sandra E. Kennedy  
City Clerk

Samuel J. Talarico  
Presiding Officer  
Presented by me to the Mayor of the City of Fort Wayne, Indiana on the 27th day of December, 1991, at the hour of 1:30 o'clock P.M., E.S.T.

Sandra E. Kennedy  
City Clerk  
Approved and signed by me this 6th day of January, 1992, at the hour of 9:45 o'clock A.M., E.S.T.  
Paul Heimke  
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-31-91, passed by the Common Council on the 26th day of December, 1991, and that said Ordinance was duly signed and approved by the Mayor on the 6th day of January, 1992, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 6th day of January, 1992.  
Sandra E. Kennedy  
City Clerk

Accounts

General Form No. 99P (Revised 1987)

To: The News-Sentinel Dr.  
P.O. Box 100  
Fort Wayne, IN

PUBLISHER'S CLAIM

and two actual lines, neither of which shall total  
be in which the body of the advertisement is set)

columns wide equals 315 equivalent lines

\$ 155.93

containing rule or tabular work

2.00

lication (\$1.00 for each proof in excess of two)

\$ 157.93

M

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ems

d penalties of Chapter 155, Acts 1953,

going account is just and correct, that the amount  
allowing all just credits, and that no part of the

Cindy Gillenwater  
Clerk

, 19 92

Title: \_\_\_\_\_

PUBLISHER'S AFFIDAVIT

State of Indiana )

) ss:

Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater

who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general

circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter

attached hereto is a true copy, which was duly published in said paper for

two time, the dates of publication being as follows:  
1/10/92 1/17/92

Cindy Gillenwater  
17th Jan 92

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Shelley R. Larue

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994



FW COMMON COUNCIL

(Governmental Unit)

ALLEN

County, Indiana

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)  
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

315 lines, 1 columns wide equals 315 equivalent lines  
at .495 cents per line

\$ 155.93

Additional charge for notices containing rule or tabular work  
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 157.93

DATA FOR COMPUTING COST

Width of single column 12.5 ems  
Number of insertions 2  
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: Jan 17, 19 92

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana )  
) ss:  
Allen County )

Personally appeared before me, a notary public in and for said county and state, the undersigned Cindy Gillenwater who, being duly sworn, says that he/she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two time the dates of publication being as follows:  
1/10/92 1/17/92

Subscribed and sworn to before me this 17th day of Jan 19 92

Notary Public Whitley County, IN  
SHELLEY R. LARUE

My commission expires: March 3, 1994